761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 7, 2014

FROM: RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

TO: ALICIA AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2340579
Incident:	Category III Use of Force
Incident Date:	September 1, 2013
Unit:	Lakewood Station
Suspects:	Sebens, Eric MW 11/09/93
Involved Employees:	Deputy Jonathan Byrne #[redacted] Deputy Michael Mabee #[redacted] Deputy Robert Lloyd #[redacted]
EFRC Date:	August 7, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders David Halm, Ralph Webb, and Michael Parker met and reviewed the above case.

FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were also within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Swenson, conduct a tactical debriefing of the incident.

RJW:RFI:rfi

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IAB FO 2340579

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 913-17055-1323-263 | Date: 12-01-13 | Time: 2330

Location: Levelside Ave/ Del Amo Blvd | City or Station: Lakewood

Bureau/Station/Facility: South Patrol Division | Admin. Investigation: ○ YES ◉ NO

Type of Force: Punches, Knee Strike

Incident Category: ○1 ○2 ◉3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ◉ YES ○ NO

☒ Call ☐ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉ YES ○ NO | Person Notified: Lt. Berg | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted] | Last Name: Byrne | First Name: Jonathan | Middle I.: R | Rank: Deputy

Sex: ◉ M ○ F | Race: W | Height: 5-08 | Weight: 185 | Age: 32 | Shift: ◉ EM ○ Day ◉ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 132A

Individual Force Used: Personal Weapon - Knee | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E2

Employee #: [redacted] | Last Name: Mabee | First Name: Michael | Middle I.: J | Rank: Deputy

Sex: ◉ M ○ F | Race: W | Height: 6-00 | Weight: 195 | Age: 31 | Shift: ◉ EM ○ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 132G5

Individual Force Used: Personal Weapon - Fist | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E3

Employee #: [redacted] | Last Name: Lloyd | First Name: Robert | Middle I.: J | Rank: Deputy

Sex: ◉ M ○ F | Race: W | Height: 6-02 | Weight: 175 | Age: 33 | Shift: ○ EM ○ Day ◉ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 132F

Individual Force Used: Control Holds | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ◉1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #: [redacted] | Last Name: Verzola | First Name: Matthew | Middle I.: A | Rank: SGT | Present: YES ○ NO ◉ | Witness to Incident: YES ○ NO ◉

Supervisor Completing Investigation

Emp #: [redacted] | Last Name: Graham | First Name: Scott | Middle I.: A | Rank: SGT | Present: YES ○ NO ◉ | Witness to Incident: YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #: [redacted] | Last Name: Auner | First Name: David | Middle I.: D | Rank: LT

Watch Commander / Supervising Lieutenant's **Signature:** ______ Date ______ Copy Provided to Employee by: ______ Emp #: ______

Unit Commander **(Print Name)** ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 3 - 1 7 0 5 5 - 1 3 2 3 - 2 6 3

Suspect Information

S 1

Last Name: Sebens | First Name: Eric | Middle Name: Michael | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: W | Age: 19 | Height: 5-09 | Weight: 180 | D.O.B: 11/09/93 | Phone #1: (●) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3698602 | Primary Charge Code: 594 (b)(1) P.C. | Secondary Charge Code: 422 P.C. | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: L.A> Co Fire | Unit: Engine 45 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Lakewood Regional | Coroner Case #: | Mental History [redacted] User's guide provides direction on this entry

By: Dr. Bowns | Address: | Phone #:

Under Influence: (●) YES ( ) NO | Substance: Alcohol | 5150 a factor in force? [redacted] User's guide provides direction on this entry

Suspect Interview

Date: 09-02-13 | Time: 1306 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

913 - 17055 - 1323 - 263

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		44	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		43	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	57	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		36	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**

☐ Additional Witness

Supervisor's Report on Use of Force

9 1 3 - 1 7 0 5 5 - 1 3 2 3 - 2 6 3

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Sebens	S1	Deputy Byrne	E1	UC		
Suspect Sebens	S1	Deputy Byrne	E1	PH	NN	
Deputy Mabee	E2	Suspect Sebens	S1	PH	FR	FA
Deputy Mabee	E2	Suspect Sebens	S1	TT	AB	FA
Deputy Lloyd	E2	Suspect Sebens	S1	TT	AB	FA
Deputy Byrne	E1	Suspect Sebens	S1	PO	AB	FA
Suspect Sebens	S1	Deputy Byrne	E1	PK	NN	
Suspect Sebens	S1	Deputy Mabee	E2	PK	NN	
Suspect Sebens	S1	Deputy Lloyd	E3	PK	NN	
Deputy Byrne	E1	Suspect Sebens	S1	CT	NN	
Deputy Mabee	E2	Suspect Sebens	S1	CT	NN	
Deputy Lloyd	E3	Suspect Sebens	S1	CT	NN	
		Suspect Sebens	S1	HB	NN	

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 913-17055-1323-263	Date: 12-01-13	Time: 2330	
Location: Levelside Ave/ Del Amo Blvd	City or Station: Lakewood		
Bureau/Station/Facility: South Patrol Division	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Punches, Knee Strike			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO	Suspect Injury: ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Berg	Emp: [redacted]	IAB Roll Out: ◉ YES ○ NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: Byrne	First Name: Jonathan	Middle I.: R	Rank: Deputy		
Sex: ◉ M ○ F	Race: W	Height: 5-08	Weight: 185	Age: 32	Shift: ◉ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 132A					
Individual Force Used: Personal Weapon - Knee	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3				
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:				

E 2

Employee #: [redacted]	Last Name: Mabee	First Name: Michael	Middle I.: J	Rank: Deputy		
Sex: ◉ M ○ F	Race: W	Height: 6-00	Weight: 195	Age: 31	Shift: ◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 132G5					
Individual Force Used: Personal Weapon - Fist	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3				
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:				

E 3

Employee #: [redacted]	Last Name: Lloyd	First Name: Robert	Middle I.: J	Rank: Deputy		
Sex: ◉ M ○ F	Race: W	Height: 6-02	Weight: 175	Age: 33	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 132F					
Individual Force Used: Control Holds	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ◉ 1 ○ 2 ○ 3				
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:				

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Verzola	Matthew	A	SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Graham	Scott	A	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Auner	David	D	LT

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date ____ Copy Provided to Employee by: ____ Emp #: ____

Unit Commander **(Print Name)** ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

UNIT: Lakewood Station
DATE: September 1, 2013
TIME: 2330 Hours
LOCATION: [redacted] Levelside Avenue, Lakewood
URN#: 913-17055-1323-263
IAB#: FO 2340579

NATURE OF INCIDENT:

Deputy Byrne was responding to [redacted] Levelside Avenue in Lakewood regarding a "Battery Just Occurred "call. Deputies Lloyd and Mabee arrived at the house and contacted the residents. They advised Deputy Byrne the suspect had left the location and gave the last known direction.

As Deputy Byrne arrived in the area of the call, he checked the area for the suspect. He was at the intersection of Del Amo Boulevard, and Obispo Avenue when he saw a male walking, who matched the suspect description. Deputy Byrne contacted the male (later identified as Suspect Eric Sebens MW/ 19). He exited his car and told the suspect to stop and come over to him. The suspect told him, "Fuck you, do you have a warrant?"

Deputy Byrne told the suspect to put his hands behind his back while approaching him. The suspect took two steps back, raised his hands out to his sides and said, "Fuck you, I didn't do shit!" Believing the suspect was going to flee, Deputy Byrne grabbed the suspect's right wrist, then his left wrist and attempted to place the suspect's' hands behind his back in order to handcuff him. Deputy Byrne smelled the odor of alcohol coming from the suspect.

The suspect violently pulled his left hand from Deputy Byrne's grip. The suspect raised his left elbow and attempted to strike Deputy Byrne.

Deputy Byrne moved out of the way and the suspect missed him. Deputies Mabee and Lloyd ran to his location, and Deputy Mabee punched the suspect once in the face. He grabbed the suspect from behind around his chest, and Deputy Lloyd grabbed the suspect's left arm, as Deputy Byrne held onto his right hand. Deputy Mabee conducted a takedown of the suspect.

While on the ground, the suspect continued to resist and was yelling at the deputies. Deputy Byrne lost control of the suspect's right hand. While kneeling next to the suspect on the ground, he saw the suspect reaching into his waistband. Believing the suspect maybe trying to arm himself, Deputy Byrne kneed the suspect in the face one

time. After this, Suspect Sebens placed his hands behind his back and he was handcuffed.

> **IAB NOTE:** The Criminal Report and Supplemental Reports are included in this case book. See **Exhibit A**.

Internal Affairs Bureau Lieutenant Michael Berg was notified. He along with Sergeants Scott Graham, and Mark Lopez responded to Lakewood Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and the suspect.

INVOLVED PERSONNEL:

Johnathan Byrne - Deputy Sheriff, Employee #[redacted]
Homeland Security- Transit Services Bureau
Date of Employment: 05/2006
Date Assigned to Unit: 09/2013
Prior Founded Force Incidents: None

Michael Mabee - Deputy Sheriff, Employee #[redacted]
Lakewood Station- South Patrol Division
Date of Employment: 06/2006
Date Assigned to Unit: 08/2009
Prior Founded Force Incidents: None

Robert Lloyd - Deputy Sheriff, Employee #[redacted]
Lakewood Station- South Patrol Division
Date of Employment: 02/2007
Date Assigned to Unit: 09/2012
Prior Founded Force Incidents: None

INVOLVED SUSPECT

Sebens, Eric

Sex:	Male
Race:	White
Date of Birth:	November 09, 1993
Booking #	3698602
Charges:	69 P.C., 594 (b)(1) P.C., 422 P.C.

Injuries: Facial Fracture-Maxillary Sinus, Facial Contusion. The suspect was also treated for Acute Alcohol Intoxication.

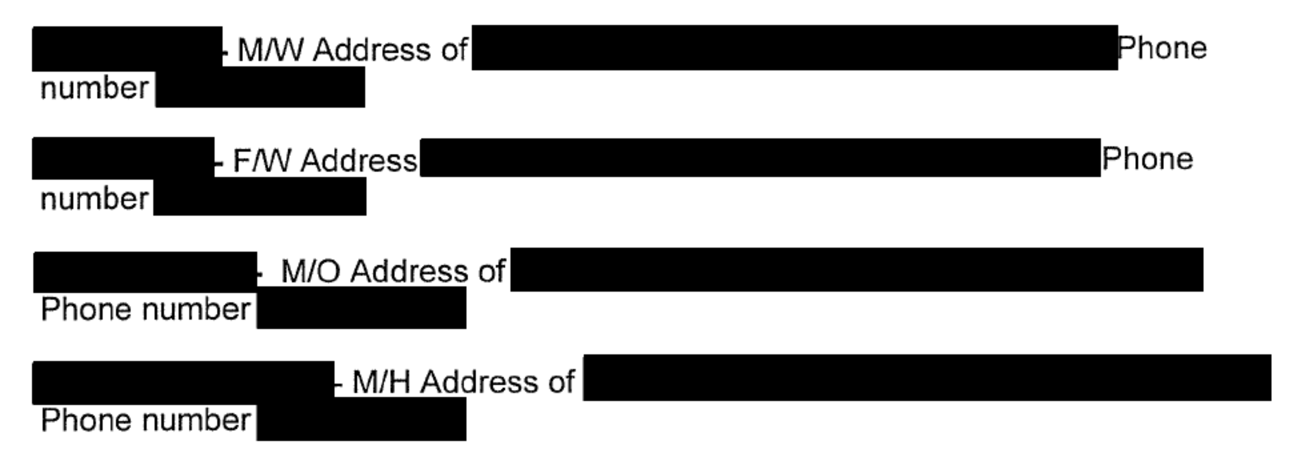
The Consolidated Criminal History System reveals [redacted]

IAB NOTE: A copy of Suspect Seben's criminal history is included in this report. **See Exhibit B**.

SWORN DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:



[redacted] - M/W Address of [redacted] Phone number [redacted]

[redacted] - F/W Address [redacted] Phone number [redacted]

[redacted] - M/O Address of [redacted] Phone number [redacted]

[redacted] - M/H Address of [redacted] Phone number [redacted]

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the only radio traffic broadcast during the incident. On the recording at approximately 2332 Hours, there is an open microphone and a male (Suspect Sebens) is heard yelling in the back ground. A second male voice is heard saying "Stop, number one, relax." SCC advises of an open microphone and asks if there is a unit with emergent traffic? The second male voice identifies himself as Sergeant Verzola. The first male is heard saying "You guys are fucked" and other things. SCC advises there is an open mike. 132T1 is heard requesting 902R for the suspect who was in a fight with deputies. SCC asks if they are Code four?" Unit 132T1 advises they're Code four with four units, and a Sam unit at the location.

IAB NOTE: Cd's containing recordings of the Dispatch 14 Radio Traffic, Witness Interviews, Suspect Interview, Photos of Injuries to Suspect Sebens, and the 911 calls are included in this case book. **See Exhibit C**.

SUSPECT'S INJURIES

Suspect Sebens was transported by C.A.R.E. Ambulance #3607 to Lakewood Regional Medical Center in Lakewood. He was treated by Emergency Room Physician, Doctor Christopher Bowns for a facial Fracture-Maxillary Sinus, Facial Contusion. The suspect was also treated for Acute Alcohol Intoxication. He received an "OK" to book. He received a patient number of ID# [redacted] Suspect Sebens was transported to

L.C.M.C. where he was treated for his injury. He was later transported to, and booked at the Inmate Reception Center.

IAB NOTE: A copy of Suspect Seben's discharge instructions, are included in this case book. **See Miscellaneous Documents.**

IAB NOTE: A CD containing photographs of injuries sustained by the suspect, video interviews of the suspect in the field, and the video interview of the Doctor interview are included in this case book. **See Exhibit C**.

DEPUTY PERSONNEL INJURIES

None

PHYSICAL EVIDENCE

No physical evidence was collected at the scene by Internal Affairs Bureau Investigators. The scene was not held, there was no significant evidence at the scene.

INVESTIGATORS OBSERVATIONS

Digital photographs of the scene were taken later in the day by Sergeant Graham. They are included in this case book. **See Exhibit C.**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Byrne – Personal Weapon- Knee.

Deputy Mabee – Personal Weapon- Fist.

Deputy Lloyd – Control Holds.

WEAPONS USED BY SUSPECT

Personal weapons- Hands, Feet.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR and CHARGES FILED

Investigator: Theo Gekas #[redacted] Deputy, Lakewood Station.
Court: Superior Court – Bellflower #3BF04257
Charges Filed: 242 P.C., 594 (B)(1) P.C., 148 (a)(1)P.C.

IAB NOTE: On September 4, 2013, the District Attorney's Office out of Bellflower Superior Court filed the above listed charges against Suspect Sebens. Suspect Sebens plead no contest to Battery 242 P.C., and Restrict Obstruct a Peace Officer, 148 P.C. He received a sentence of 8 days in county jail, and 36 months' probation.

WEATHER CONDITIONS AND LIGHTING CONDITIONS

The incident occurred on a clear night at 2330 hours. The only lighting was provided by street lights, and the head lights from the radio car at the location.

INVOLVED EMPLOYEE STATEMENTS

Deputy Byrne

Deputy Johnathan Byrne #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1121 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Byrne said he was responding to a call for service on Levelside Ave. While driving to the location, he was updated via radio the suspect had left the location. He was provided a suspect description, and last seen direction by units that were already on scene. Prior to arriving on scene, and because other units were already at the location, he decided to check the area for the suspect. He saw a male (Later identified as S/ Sebens) walking west bound in the service road on the south side of Del Amo Boulevard. He said the male matched the description of the suspect given in the call, and the updates.

Deputy Byrne pulled up to the suspect and told him to stop and come over to the radio car. He said the suspect immediately told him, "Fuck you, do you have a warrant!"

Deputy Byrne said he got out of his radio car and approached the suspect. He said the suspect raised his hands and began backing away from him. He said he grabbed the suspect's right wrist and stepped behind him. Deputy Byrne next grabbed the suspect's left wrist and walked him to the hood of his radio car. He said he saw Deputies Lloyd and Mabee running toward him.

He said the suspect was "chipping away" but was not pulling away from him. Deputy Byrne said the suspect had a back pack on which made it hard for him to place the suspect's hands behind his back, as he was trying to place the suspect in a cursory search position.

Deputy Byrne said he noticed the suspect was sweaty, and the suspect "ripped" his left arm away and attempted to elbow him in the head. He said the suspect turned to his left and faced Deputy Mabee. Deputy Mabee punched the suspect in the face.

He said even though he lost grip of the suspect's left arm, he maintained control of his right arm. He said Deputy Mabee got behind the suspect and took him to the ground. He said Deputy Lloyd was on the suspect's right side and went to the ground also as Deputy Byrne placed his knee on the suspect's back trying to hold him down. They gave the suspect several verbal commands and he did not comply.

Deputy Byrne said they did not have any idea if the suspect had any weapons on his person because he had not been searched yet. He said the suspect was laying on his left side and was "actually reaching towards his waistband." He said this led him to believe the suspect had a weapon. He stated, "There's no other reason to reach for your waistband."

He said the suspect was attempting to roll back and forth and kicking his legs. He said he gave the suspect more verbal commands. The suspect still was not complying and because he believed the suspect was reaching for a weapon, he kneed the suspect in the face. He said he kneed the suspect in the left cheek because where he was located next the suspect, it was the only option he had for a strike.

Deputy Byrne said after he kneed the suspect, this dazed the suspect and deputies Mabee, and Lloyd were able to handcuff the suspect. He said even after being handcuffed, the suspect continued to kick his legs at the deputies. He said a sergeant, and paramedics were summoned to the scene. He reported his use of force to Sergeant Verzola.

Deputy Byrne authored a Crime Report **(Exhibit A)** documenting his observations and actions. For additional information, refer to Deputy Byrne's report and verbatim interview transcripts.

<u>Deputy Mabee</u>

Deputy Michael Mabee #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1004 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Mabee said he heard a call go out regarding a family fight. He said he was available to assist with the call. He and Deputy Lloyd were first on scene. They contacted the victims at the location who told them about the altercation. They said the suspect had left and provided a description, and last seen direction. He said he relayed this information to Deputy Byrne who was the handling deputy, via Sheriff's radio.

He said he and Deputy Lloyd ran to the corner of Del Amo Boulevard., and Levelside Avenue to see if they could see the suspect. He said the distance was approximately 40-50 feet from the location where the incident took place. As the got to the corner, Deputy Byrne arrived. They advised him the suspect was walking in the street west of them. He said he and Deputy Lloyd began running to where Deputy Byrne was at, as he made contact with the suspect.

He said he saw Deputy Byrne pull his radio car behind where the suspect was walking. He saw him exit and approach the suspect. He said he could not hear what was being said but the suspect was facing Deputy Byrne. He said as they ran toward Deputy Byrne, he saw the suspect was throwing his hands up to his side, and appeared he was not being compliant. He said Deputy Byrne placed the suspect in a cursory search position on the front passenger side of the radio car.

He said as he got closer, they suspect violently pulled his left hand free from Deputy Byrne. The suspect placed it over his head at a 45 degree angle. The suspect began to pivot his body in an attempt to strike Deputy Byrne.

He said Deputy Byrne saw he was about to be struck and he ducked to avoid being hit. Deputy Mabee said he arrived at this time and in an effort to stop the attack on Deputy Byrne, he punched the suspect one time on the left side of his face. He grabbed the suspect around his chest and took him down to the ground in the grass area in the island between the service road, and Del Amo Boulevard.

He said when the suspect landed on the grass, his right hand went underneath his body near his waistband. He said the suspect's left hand was free and moving around. He placed his left knee on the suspect's lower back, and his right knee on the suspect's right shoulder while attempting to gain control of the suspect's right hand.

Deputy Mabee said he was giving commands to the suspect to "stop fighting, give us your hands." The suspect was screaming at the deputies swearing at them, telling them to get off of him. The suspect would not relinquish his right hand. Deputy Mabee said he "feared" the suspect was possibly retrieving a weapon. He said Deputy Byrne did a knee strike to the suspect's face, and the suspect immediately became complaint, at which time he was handcuffed. Deputy Mabee reported his use of force to Sergeant Verzola.

Deputy Mabee authored a Supplemental Report, **(Exhibit A)** documenting his observations and actions. For additional information, refer to Deputy Mabee's report and verbatim interview transcripts.

Deputy Lloyd

Deputy Robert Lloyd #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1025 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Lloyd said he went to a call for service. He said the call came out as a male banging on the door. It was updated the male had broken a window and was trying to get into the house.

He said he and Deputy Mabee went to the location and contacted the residents. They told them the suspect (Later identified as Suspect Sebens) had left, and was now

walking westbound on Del Amo Boulevard. He and Deputy Mabee began walking in the general last seen direction the suspect had gone. He said Deputy Mabee advised Deputy Byrne via radio, who was responding via radio car.

They walked two house lengths to the corner of Levelside Avenue and Del Amo Boulevard. They saw the suspect walking on the south side of Del Amo Boulevard on the service road. As they were walking, he said Deputy Byrne drove onto the service road and contacted the suspect.

He said when Deputy Byrne contacted the suspect, it appeared the suspect was not being compliant. He said could tell this because of the way suspect was moving away from Deputy Byrne and not following his commands. He said he and Deputy Mabee began running to where Deputy Byrne and the suspect were at. He said as he got closer, the suspect was appeared assaultive toward Deputy Byrne.

He said Deputy Mabee got to Deputy Byrne first. He said Deputy Byrne and Deputy Mabee were holding the suspect. He said when he got to them, he attempted to control the suspect's left arm. Deputy Mabee had grabbed the suspect around his chest. He said they took the suspect to the ground. While on the ground, he continued to hold onto the suspect's left arm.

He said Suspect Sebens was screaming and thrashing around violent. He continued to hold onto the suspect's left arm and Deputy Mabee attempted to handcuffed the suspect. He said Deputy Mabee moved next to the suspect's middle torso area, and he moved to control the suspect's legs because he continued kicking and thrashing around. He said Deputy Mabee performed a knee strike to the suspect's head / face area. When Deputy Mabee did this, they were able to handcuff the suspect. He said the incident lasted for one to two minutes. He reported his use of force to Sergeant Verzola.

Deputy Lloyd authored a Supplemental Report, **(Exhibit A)** documenting his observations and actions. For additional information, refer to Deputy Lloyd's report and verbatim interview transcripts

SUSPECT'S STATEMENTS

Suspect Seben

On September 2, 2013, Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez went to the Inmate Reception Center and conducted an interview with Suspect Seben regarding the incident. Suspect Seben agreed to talk with them about the incident without an attorney present. The interview was digitally video recorded.

Suspect Seben said he and his [redacted] Witness [redacted] were arguing. He said he had "too much to drink" and "lashed out" at Witness [redacted] He said everyone told

him he needed to leave. He said "they" locked him out of the house and called the Sheriff's Department.

He said he left and went to the park across the street. He said he was scared and did not know what to do. He said he was going to walk and "act like a normal pedestrian." He said he had 7 beers and was "pretty buzzed."

He said a sheriff pulled alongside him as he walked. He said tried to "play it off" and stated, "In my mind, I don't know what I was thinking, but I was just another citizen walking down the street." He said when Deputy Byrne was attempting to put him on the radio car, there were two other deputies running from the park.

He said when he was detained, he would not say his name. He said he was thinking he (Deputy) had no right to arrest him. He said as soon as he got his hands back and tried to pull away, "a fist came up and punched me." He said when the deputy grabbed his back pack, out of reflex he tried to remove his arm from the strap. He said he went down. He stated "Then the next thing I know I'm like, oh, I'm like tied up from my legs, you now, my legs tied. He further stated, "I'm in all sorts of different cuffs and they're all on top of me."

He said he is from Washington State and realizes a lot more things happen on the street here. He said when a police officer sees a person raise their hand or do some quick movement, people get shot here. He said he understands this. He said he was intoxicated at the time, and stated "Maybe I was just that wild." He said after he was punched, "he just lost it." When the deputies said they were going to "mace him," he said "All right, I'll shut up, and that was it." He said he was punched three to four times during the incident.

He was asked if when he pulled his arm out, could it have been misconstrued as if he was going to hit the deputy? He stated, "Yeah it could have. No, it definitely could have." He said that was not his intent.

He was asked if he was cooperative with the Deputy. He stated, "No." He was asked if he was cursing at the deputies. He stated "Yeah."

For further additional information, refer to Suspect Sebens verbatim interview transcripts.

<u>WITNESS STATEMENTS</u>

<u>Witness [redacted]</u>

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [redacted] said he was sitting on his front porch and saw a "guy," (Suspect Sebens) run by with a back pack.

> **IAB NOTE:** Witness [redacted] house is on the [redacted] corner of [redacted] and [redacted] His front door faces west.

He said a deputy came and pulled in front of the suspect and stopped him. The deputy was attempting to get the suspect to cooperate with him. He said the suspect was "resisting arrest" and "confrontational." He said he could hear yelling but was not able to hear what was said. He said the suspect "threw his hands up".

He was asked if the suspect charged or attempted to punch the deputy. He said it appeared as if the suspect was "challenging" the deputy.

He said approximately 30 seconds later, two other deputies ran to where the deputy and suspect were. He said they ran over "pretty quick" and it took all three of the deputies to take the suspect to the ground.

Witness [redacted] did not see the force used because of the poor lighting, his view was blocked by the radio car, and the overhead radio car lights flashing.

For further additional information, refer to Witness [redacted] verbatim interview transcripts.

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at her residence. The interview was digitally audio recorded.

Witness [redacted] said she came home really late. She heard a lot of screaming and yelling. She said she looked out of her bedroom window that faces south into the yard of where the call for service originated. She witnessed most of the incident which is documents in the original crime report. **See Exhibit A.**

She was specifically asked about the use of force. She said the suspect ran north on Levelside Avenue, then west on Del Amo Boulevard. She said two sheriff's radio cars arrived at the location. Two deputies were talking with a female where the call originated. They asked where the suspect went and Witness [redacted] told then he just walked past her house on [redacted] She said the two deputies began "jog-walking". She said another radio car arrived and drove onto the service road at Obispo Avenue where the suspect was walking.

> **IAB NOTE:** Witness [redacted] house is on the [redacted] corner of [redacted] and [redacted]

She walked around the corner and stood at her [redacted] She saw the deputy get out of the radio car, and the two other deputies were with him. She said the suspect was screaming and belligerent. He was cursing at the deputies. She said the deputies were telling him to calm down, and were being nice to him. She said the deputies had their backs towards her, and the suspect was facing her. She could not make out his face, only the silhouette due the lighting conditions.

She said the suspect "kind of like went at them." She described it as "his whole body just kind of went at them." She was asked if it looked like the suspect was trying to push or punch the deputies. She stated "It just seemed like he went at them, like, for me, I would say push 'cause I wasn't right there and I can't see if his hands were...."

She was asked if the suspect charged at the deputies. She said "Yeah." She said the deputies tried to restrain the suspect. She said what she could see, the deputies were trying to grab the suspect's arms. She heard them warn the suspect, "Do you want to get pepper sprayed?" She said the deputies were giving the suspect a chance to stop.

She said the deputies ended up taking the suspect to the ground however she did not see what took place once on the ground due the poor lighting.

For further additional information, refer to Witness [redacted] verbatim interview transcripts.

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [redacted] said his [redacted] told him them there were police cars and ambulance [redacted] He said he went outside and looked at what was taking place. He said he saw the suspect laying on the street screaming and swearing at the deputies. He was asked if he saw any of the initial contact or force used. He said he came out after the initial contact and only saw the deputies on top of the suspect, and surrounding him. He said he did not have a clear view.

For further additional information, refer to Witness [redacted] verbatim interview transcripts.

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [redacted] said he was in his house when he heard screaming outside. He assumed it was the suspect. He saw deputies approaching him. By the time he got

outside, the suspect was on the ground. He said the suspect was yelling, kicking and screaming. He stated "The deputies just basically pinned him on the ground so he wouldn't move." He said the suspect kept screaming and cursing at the deputies. He said the paramedics came. The suspect sat up and was handcuffed still screaming. At this point, he went inside his house.

Witness [redacted] was asked if he ever saw the deputies hit the suspect. He said he only saw the deputies pinning the suspect on the ground.

For further additional information, refer to Witness [redacted] verbatim interview transcripts.